

**Enrolled Minutes of the Eighty-Ninth Regular or Special Meeting
For the Twenty-Seventh Highland Town Council
Regular (Rescheduled) Meeting
Monday, June 15, 2015**

Study Session. The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, June 15, 2015 at 6:49 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Mark Herak, Dan Vassar, Steve Wagner, and Konnie Kuiper were present. Councilor Bernie Zemen was absent owing to planned vacation. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent regular meeting.

The study session ended at 6:59 O'clock p.m.

Regular meeting. The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, June 15, 2015 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Mark A. Herak, presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Council President Herak reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Mark Herak, Dan Vassar, Steve Wagner, and Konnie Kuiper were present. Councilor Bernie Zemen was absent owing to planned vacation. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Attorney; John Bach, Public Works Director; George M. Georgeff, Metropolitan Police Commander; Kenneth Mika, Building Commissioner; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Superintendent of Parks and Recreation; and Cecile Petro, Redevelopment Director were present.

Also present: Steve Mileusnich and Susan Murovic of the Advisory Board of Zoning Appeals; Ed Dabrowski IT Consultant (Contract); and Randy Bowman, Assistant Inspector for Electrical were also present.

Minutes of the Previous Meetings:

The minutes of the regular meeting of June 01, 2015 were approved by general consent.

Special Orders:

1. **Advisory Board of Zoning Appeals Docket:** Petition for a Use Variance for property located **2736 Strong Street, Highland**, to allow its use as an accessory business parking for *Kusiak Construction*, located at 8338 Kennedy Avenue, in Highland. Subject property is currently zoned as R-1 Single Family Residential

District. Petitioner: **Kusiak Construction, 8338 Kennedy Avenue, Highland.** The Advisory Board of Zoning Appeals by a vote of four (4) in favor and one (1) opposed acted to **unfavorably recommend the request for the use variance** for the property. The ABZA acted at its meeting of 22 April 2015. The findings of fact were memorialized and the board approved the facts in written form at its meeting of 27 May 2015. (90 days ends 21 July 2015).

Pursuant to IC 36-7-4-918.6, the Town Council may either accept the unfavorable recommendation and DENY the requested use variance or it may reject (over rule) the unfavorable recommendation and GRANT the use variance. If not acted upon by the Town Council within the 90 days described above, the action of the Advisory Board of Zoning Appeals stands.

Councilor Vassar moved to accept the unfavorable recommendation and to deny the use variance. Councilor Wagner seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The petitioner's request for a use variance was denied.

Staff Reports: The following staff reports were received and filed.

• **Building & Inspection Report for May 2015**

Permit Type	Numb	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	7	0	7	\$857,443.00	\$10,755.00
Signs:	8	0	8	\$103,153.00	\$2,932.50
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	0	0	0	\$0.00	\$0.00
Residential Remodeling:	68	68	0	\$558,873.00	\$9,226.50
Garages:	0	0	0	\$0.00	\$0.00
Sheds:	4	4	0	\$4,355.00	\$336.00
Decks & Porches:	10	10	0	\$56,077.00	\$1,825.50
Fences	10	9	1	\$31,636.00	\$979.50
Swimming Pools	3	3	0	\$0.00	\$219.00
DrainTile/ Waterproofing	0	0	0	\$0.00	\$0.00
Miscellaneous	6	5	1	\$8,829.00	\$504.00
TOTAL:	116	99	17	\$1,620,366.00	\$26,778.50
Electrical Permits	29	22	7		\$3,173.50
Mechanical Permits	13	9	4		\$1,157.50
Plumbing Permits	11	8	3		\$1,157.50
Water Meters	0	0	0		\$1,353.50
Water Taps	0	0	0		\$0.00
Sewer/Storm Taps	0	0	0		\$0.00
TOTAL Plumbing:	11	8	3		\$1,353.50

May Code Enforcement:

Investigations: 275
 Citations: 09

May Inspections:

Building: 19 Electrical: 39 Plumbing: 17 HVAC 7
 Electrical Exams: 3

• **Fire Department Report for May 2015**

	Month	1st half of year
General Alarms	15	47
Still Alarms	7	28
Paid still alarms	11	38
Total:	33	

• **Workplace Safety Report for May 2015**

This will be provided at a future meeting.

Unfinished Business and General Orders:

1. **Introduced Enactment No. 2015-21:** An Enactment Authorizing and Approving a Special Patrol Zone and an Agreement providing for the Regulation of Traffic on Private Property at the Highland Grove Shopping Center, Pursuant to IC 36-1-3, IC 9-21-18 and Article III of Chapter 9.10 of the Highland Municipal Code. *(At meeting of 5-11-2015, enactment was introduced by Councilor Zemen. No further action was taken. It was noted that since this included enforcement of local traffic ordinances, signs would need to be erected and the agreement recorded pursuant to IC 9-21-18)*

Councilor Wagner moved the passage and adoption of the Enactment. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The enactment was adopted.

**Town of Highland
 Enactment (ordinance)
 Enactment No. 2015-21**

AN ENACTMENT AUTHORIZING and APPROVING A SPECIAL PATROL ZONE AND AN AGREEMENT PROVIDING FOR THE REGULATION OF TRAFFIC ON PRIVATE PROPERTY AT THE HIGHLAND GROVE SHOPPING CENTER, PURSUANT TO IC 36-1-3, IC 9-21-18 AND ARTICLE III OF CHAPTER 9.10 OF THE HIGHLAND MUNICIPAL CODE

WHEREAS, The Town Council is the fiscal and legislative body of the Town of Highland;

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

WHEREAS, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body; and

WHEREAS, IC 9-21-18, provides for the Regulation of traffic on private property, enabling the enforcement of certain traffic codes and rules by municipal police officers on private property in consequence of a contract;

WHEREAS, Sections 9.10.250 through 9.10.280 of the Municipal Code, authorize the establishment of Special Patrol Zones, which permit the provision of certain public safety services for fees and charges; and

WHEREAS, IC 36-8-2 confers general powers concerning public safety, which in part authority a municipality to establish, maintain, and operate a police and law enforcement system to preserve public peace and order; and

WHEREAS, The Metropolitan Police Chief, after consulting with the Town Board of Metropolitan Police Commissioners has recommended to the Town Council President and the Clerk-Treasurer the establishment of a Special Patrol Zone, pursuant to Section 9.10.260 of the Highland Municipal Code;

WHEREAS, The Town Council President and the Clerk-Treasurer wish to execute an agreement but must first be authorized by an action of the Town Council making certain findings and determinations, all pursuant to section 9.10.260(B) of the Highland Municipal Code; and

WHEREAS, The Town Council has been informed of the forgoing and desires to take such actions as are necessary and desirable to fulfill the recommendation of the Metropolitan Police Chief and to permit an agreement in consequence of a Special Patrol Zone to be approved,

NOW, THEREFORE, BE IT HEREBY ENACTED AND ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Division I

Section 1. That pursuant to HMC Section 9.10.260(B)(1), the Town Council now makes the following findings and determinations regarding the property generally located at **10300 Indianapolis Boulevard**, commonly known as the **Highland Grove Shopping Center**:

- (A) *That the location described above generates significant traffic or other public safety concerns that the ordinary and regular law enforcement resources may not fully address;*
- (B) *That it may be of public good to commit, augment, and dedicate certain law enforcement resources at this location herein identified; and*
- (C) *That user fees may be charged through the establishment of a special patrol zone;*

Section 2. That pursuant to HMC Section 9.10.260(B)(2), (3) and (4), the Town Council now makes the following further findings and determinations regarding the property generally located at 10300 Indianapolis Boulevard, commonly known as the Highland Grove Shopping Center:

- (A) *That the establishment of a special patrol zone will not unduly reduce or dilute regular resources or capacity of the metropolitan police department;*
- (B) *That the establishment of a special patrol zone serves the public safety interests of the whole town by committing certain resources to prohibit and deter greater public safety concerns that could further demands on existing public safety resources, and by providing officers of the department to further refine their law enforcement skills, with costs underwritten by an identifiable owner in the proposed special patrol zone;*
- (C) *That there is a willing identifiable owner in the proposed special patrol zone, represented by Mike LaPietra, Regional Property Manager, DDR Corporation 3300 Enterprise Parkway, Beachwood, Ohio 44122, which is the property manager of the location identified herein, who is willing to pay certain user fees for the services to be provided in the special patrol zone;*

Section 3. That the Town Council hereby establishes the property generally located at 10300 Indianapolis Boulevard, commonly known as the **Highland Grove Shopping Center** to be a **Special Patrol Zone**;

Section 4. That the agreement or memorandum between the identified owner of the property generally located at 10300 Indianapolis Boulevard, commonly known as the **Highland Grove Shopping Center** and the Town of Highland, in consequence of this enactment is hereby authorized and approved, to the extent it complies and is consistent with Article III of Chapter 9.10 of the Highland Municipal Code and this enactment;

Division II

Section 5. That notwithstanding the previous sections of this enactment, the Town Council further authorizes and approves a "second agreement" or contract with the identified owner in the Special Patrol Zone that permits the regulation of traffic on the private property within the Special Patrol Zone, pursuant to Section 9.10.250 (F) of the Highland Municipal Code and IC 9-21-18 et seq.

Section 6. That the Town Council further authorizes and approves the following:

- (A) *That the contract may include provisions further establishing regulatory devices, signs and designations as particularly set forth in IC 9-21-18-5;*
- (B) *That the contract cannot exceed twenty years in term nor be greater than the period of any lease of the lessee of the private property or business;*

Section 7. That the contract regarding traffic regulation on private property must be recorded in the Office of the Lake County Recorder, and not later than three (3) days after the recording, signs shall be posted in within the property location stating the parking and traffic regulations on the property are enforceable by local law enforcement officials, pursuant to IC 9-21-18-7;

Section 8. That penalties for violations cited in consequence of the private property traffic regulation contract shall correspond to existing penalties set associated with the same offense detailed in the Highland Municipal Code, with this section being adopted to comply with IC 9-21-18-8;

Section 9. That the agreements referenced under this enactment are incorporated by reference and any actions that were undertaken before the passage and adoption of this enactment but now enabled under it, are ratified and approved pursuant to IC36-1-4-16;

Section 10. That this enactment shall become and remain in full force and effect from and after the date of its passage and adoption upon its signature by the executive as attested thereto by the clerk-treasurer, in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 11th day of May 2015. Consideration on same day or at same meeting of introduction experienced no vote pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 15th Day of June 2015, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, Town Council President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

- 2. Introduced Enactment No. 2015-22:** An Enactment Authorizing and Approving a Special Patrol Zone and an Agreement providing for the Regulation of Traffic on Private Property at the Ultra Food Store Shopping Center, Pursuant to IC 36-1-3, IC 9-21-18 and Article III of Chapter 9.10 of the Highland Municipal Code. *(At meeting of 5-11-2015, enactment was introduced by Councilor Zemen. No further action was taken. It was noted that since this included enforcement of local traffic ordinances, signs would need to be erected and the agreement recorded pursuant to IC 9-21-18)*

Councilor Wagner moved the passage and adoption of Enactment No. 2015-22. Councilor Vassar seconded. Upon a roll call vote, there were four affirmative and no negative. The motion passed. The enactment was adopted.

**Town of Highland
Enactment (ordinance)
Enactment No. 2015-22**

AN ENACTMENT AUTHORIZING and APPROVING A SPECIAL PATROL ZONE AND AN AGREEMENT PROVIDING FOR THE REGULATION OF TRAFFIC ON PRIVATE PROPERTY AT THE ULTRA FOOD STORE SHOPPING CENTER, PURSUANT TO IC 36-1-3, IC 9-21-18 AND ARTICLE III OF CHAPTER 9.10 OF THE HIGHLAND MUNICIPAL CODE

WHEREAS, The Town Council is the fiscal and legislative body of the Town of Highland;

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

WHEREAS, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body; and

WHEREAS, IC 9-21-18, provides for the Regulation of traffic on private property, enabling the enforcement of certain traffic codes and rules by municipal police officers on private property in consequence of a contract;

WHEREAS, Sections 9.10.250 through 9.10.280 of the Municipal Code, authorize the establishment of Special Patrol Zones, which permit the provision of certain public safety services for fees and charges; and

WHEREAS, IC 36-8-2 confers general powers concerning public safety, which in part authority a municipality to establish, maintain, and operate a police and law enforcement system to preserve public peace and order; and

WHEREAS, The Metropolitan Police Chief, after consulting with the Town Board of Metropolitan Police Commissioners has recommended to the Town Council President and the Clerk-Treasurer the establishment of a Special Patrol Zone, pursuant to Section 9.10.260 of the Highland Municipal Code;

WHEREAS, The Town Council President and the Clerk-Treasurer wish to execute an agreement but must first be authorized by an action of the Town Council making certain findings and determinations, all pursuant to section 9.10.260(B) of the Highland Municipal Code; and

WHEREAS, The Town Council has been informed of the forgoing and desires to take such actions as are necessary and desirable to fulfill the recommendation of the Metropolitan Police Chief and to permit an agreement in consequence of a Special Patrol Zone to be approved,

NOW, THEREFORE, BE IT HEREBY ENACTED AND ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Division I

Section 1. That pursuant to HMC Section 9.10.260(B)(1), the Town Council now makes the following findings and determinations regarding the property generally located at **8401 Indianapolis Boulevard**, commonly known as the **Ultra Food Store Shopping Center**:

- (A) *That the location described above generates significant traffic or other public safety concerns that the ordinary and regular law enforcement resources may not fully address;*
- (B) *That it may be of public good to commit, augment, and dedicate certain law enforcement resources at this location herein identified; and*
- (C) *That user fees may be charged through the establishment of a special patrol zone;*

Section 2. That pursuant to HMC Section 9.10.260(B)(2), (3) and (4), the Town Council now makes the following further findings and determinations regarding the property generally located at 8401 Indianapolis Boulevard, commonly known as the Ultra Food Store Shopping Center:

- (A) *That the establishment of a special patrol zone will not unduly reduce or dilute regular resources or capacity of the metropolitan police department;*
- (B) *That the establishment of a special patrol zone serves the public safety interests of the whole town by committing certain resources to prohibit and deter greater public safety concerns that could further demands on existing public safety resources, and by providing officers of the department to further refine their law enforcement skills, with costs underwritten by an identifiable owner in the proposed special patrol zone;*
- (C) *That there is a willing identifiable owner in the proposed special patrol zone, represented by Cameron J. Scadden, Director of Loss Prevention/Asset Management, SVT, LLC 8401 Indianapolis Boulevard, Highland, Indiana, 46322, which is the property manage/owner of the location identified herein, who is willing to pay certain user fees for the services to be provided in the special patrol zone;*

Section 3. That the Town Council hereby establishes the property generally located at 10300 Indianapolis Boulevard, commonly known as the **Ultra Food Store Shopping Center** to be a **Special Patrol Zone**;

Section 4. That the agreement or memorandum between the identified owner of the property generally located at 10300 Indianapolis Boulevard, commonly known as the **Ultra Food Store Shopping Center** and the Town of Highland, in consequence of this enactment is hereby authorized and approved, to the extent it complies and is consistent with Article III of Chapter 9.10 of the Highland Municipal Code and this enactment;

Division II

Section 5. That notwithstanding the previous sections of this enactment, the Town Council further authorizes and approves a "second agreement" or contract with the identified owner in the Special Patrol Zone that permits the regulation of traffic on the private property within the Special Patrol Zone, pursuant to Section 9.10.250 (F) of the Highland Municipal Code and IC 9-21-18 et seq.

Section 6. That the Town Council further authorizes and approves the following:

- (A) *That the contract may include provisions further establishing regulatory devises, signs and designations as particularly set forth in IC 9-21-18-5;*
- (B) *That the contract cannot exceed twenty years in term nor be greater than the period of any lease of the lessee of the private property or business;*

Section 7. That the contract regarding traffic regulation on private property must be recorded in the Office of the Lake County Recorder, and not later than three (3) days after the recording, signs shall be posted in within the property location stating the parking and traffic regulations on the property are enforceable by local law enforcement officials, pursuant to IC 9-21-18-7;

Section 8. That penalties for violations cited in consequence of the private property traffic regulation contract shall correspond to existing penalties set associated with the same offense detailed in the Highland Municipal Code, with this section being adopted to comply with IC 9-21-18-8;

Section 9. That the agreements referenced under this enactment are incorporated by reference and any actions that were undertaken before the passage and adoption of this enactment but now enabled under it, are ratified and approved pursuant to IC36-1-4-16;

Section 10. That this enactment shall become and remain in full force and effect from and after the date of its passage and adoption upon its signature by the executive as attested thereto by the clerk-treasurer, in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 11th day of May 2015. Consideration on same day or at same meeting of introduction experienced no vote pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 15th Day of June 2015, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, Town Council President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- 3. Works Board Order No. 2015-16:** An Order Approving and Authorizing An agreement between Robinson Engineering, Inc., and the Town of Highland to perform Professional Design Engineering Services in the amount of \$11,775.00. (The professional design services were solicited to support design of certain improvements near the railroad crossing located at Kennedy Avenue that will allow for the area to be deemed a twenty-four hour quiet zone, pursuant to Federal Railroad Administration Guidelines)

Councilor Vassar moved the passage and adoption of the Works Board Order No. 2015-16. Councilor Wagner seconded. Upon a roll call vote, there four affirmatives and no negatives. The motion passed. The order was adopted.

**TOWN OF HIGHLAND
BOARD OF WORKS
ORDER OF THE WORKS BOARD NO. 2015-16**

AN ORDER APPROVING AND AUTHORIZING AN AGREEMENT BETWEEN ROBINSON ENGINEERING, INC., AND THE TOWN OF HIGHLAND TO PERFORM PROFESSIONAL DESIGN ENGINEERING SERVICES IN THE AMOUNT OF \$11,775.00

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore determined a need exists to provide certain improvements near the railroad crossing located at Kennedy Avenue that will allow for the area to be deemed a *twenty-four hour quiet zone*, pursuant to Federal Railroad Administration Guidelines; and

Whereas, *Robinson Engineering, Incorporated* (Consultant) has offered and presented a professional services agreement to provide and furnish professional design engineering services in consideration for fees to be charged and billed monthly based upon a lump sum of the value of the additional services completed, in an amount not to exceed eleven thousand, seven hundred seventy-five Dollars and 00/100 Cents (\$11,775);

Whereas, There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council now desires to approve the project and to accept and approve the agreement for services as herein described,

Now Therefore Be it Ordered by the Town Council, acting as the Works Board of the Town of Highland, Lake County, Indiana as follows:

Section 1. That the Professional design engineering services agreement, (incorporated by reference and made a part of this Order) between Robinson Engineering, Incorporated and the Town of Highland to provide design engineering services for certain improvements near the railroad crossing located at Kennedy Avenue that will allow for the area to be deemed a *twenty-four hour quiet zone*, pursuant to Federal Railroad Administration Guidelines, is hereby approved, adopted and ratified in each and every respect;

Section 2. That the terms and charges under the agreement for Professional Design Engineering Services in the not to exceed eleven thousand, seven hundred seventy-five Dollars and 00/100 Cents (\$11,775) are found to be reasonable and fair;

Section 3. That the Town of Highland, through its Town Council, believes that **Robinson Engineering, Incorporated** has demonstrated professional competence and qualifications to perform the particular professional services called for in the Agreement and associated project, pursuant to I.C. 5-16-11.1-5;

Section 4. That the Public Works Director be authorized to execute the Agreement with his signature.

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 15TH day of June 2015 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

4. **Works Board Order No. 2015-17:** An Order Approving and Authorizing An agreement between First Group Engineering, Inc., and the Town of Highland to perform Professional Design and Construction Observation Engineering Services in the amount of \$16,000.00. *(The professional design and construction observation services were solicited to support design and installation of emergency traffic signal at 45th Avenue and Gordon Drive to better support the ingress and egress of Fire Department emergency vehicles at Fire Station No. 2)*

Councilor Kuiper moved the passage and adoption of the Works Board Order No. 2015-17. Councilor Wagner seconded. Upon a roll call vote, there four affirmatives and no negatives. The motion passed. The order was adopted.

**TOWN OF HIGHLAND
BOARD OF WORKS
ORDER OF THE WORKS BOARD NO. 2015-17**

AN ORDER APPROVING AND AUTHORIZING AN AGREEMENT BETWEEN FIRST GROUP ENGINEERING, INC., AND THE TOWN OF HIGHLAND TO PERFORM PROFESSIONAL DESIGN AND CONSTRUCTION ENGINEERING SERVICES IN THE AMOUNT OF \$16,000.00

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore determined a need exists to provide emergency traffic signal at 45th Avenue and Gordon Drive to better support the ingress and egress of Fire Department emergency vehicles at Fire Station No. 2; and

Whereas, First Group Engineering, Incorporated (Consultant) has offered and presented a professional services agreement to provide and furnish professional design and construction observation engineering services in consideration for fees to be charged and billed monthly based upon a lump sum of the value of the additional services completed, in an amount not to exceed sixteen thousand Dollars and 00/100 Cents (\$16,000);

Whereas, There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council now desires to approve the project and to accept and approve the agreement for services as herein described,

Now Therefore Be it Ordered by the Town Council, acting as the Works Board of the Town of Highland, Lake County, Indiana as follows:

Section 1. That the professional design and construction observation engineering services agreement, (incorporated by reference and made a part of this Order) between First Group Engineering, Incorporated and the Town of Highland to provide design engineering services for the installation of an emergency traffic signal at 45th Avenue and Gordon Drive to better support the ingress and egress of Fire Department emergency vehicles at Fire Station No. 2s, is hereby approved, adopted and ratified in each and every respect;

Section 2. That the terms and charges under the agreement for professional design and construction engineering services in the not to exceed sixteen thousand Dollars and 00/100 Cents (\$16,000) are found to be reasonable and fair;

Section 3. That the Town of Highland, through its Town Council, believes that **First Group Engineering, Incorporated** has demonstrated professional competence and qualifications to perform the particular professional services called for in the Agreement and associated project, pursuant to I.C. 5-16-11.1-5;

Section 4. That the Public Works Director be authorized to execute the Agreement with his signature.

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 15TH day of June 2015 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

5. *Action to approve appointment or employment of full-time employee, pursuant to Section §3.03 of the Compensation and Benefits Ordinance.* The Assistant Public Works Director requests the change of status of **Daniel Jacobs** from a part-time worker in the Public Works Agency, to a Full-time worker in the position of Driver Level C, at the approved hourly wage of \$14.35. The request makes no net change in the staffing level of the full-time workforce.

Councilor Kuiper moved, seconded by Councilor Wagner to approve the appointment and hire as requested. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The appointment and hire of Daniel Jacobs was approved.

6. Authorization and approval for the proper officer to publish legal notice of proposed additional appropriations in excess of the 2015 Budget in the **Municipal Cumulative Capital Development Fund** in the amount \$27,720 for pedestrian crosswalk signals (countdown timers) and street light replacement and in the **Hazardous Materials Response Fund**, not to exceed \$5,878.16.

Councilor Wagner moved, seconded by Councilor Vassar, to approve and authorize the proper officer to publish notice of the hearing as requested. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The notice was authorized.

7. **Resolution No. 2015-26:** A Resolution Authorizing a Temporary Interfund Loan or Transfer for Cash Flow, all pursuant to IC 36-1-8-4.

Councilor Wagner moved the passage and adoption of Resolution No. 2015-26. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN of HIGHLAND
RESOLUTION NO. 2015-26**

**A RESOLUTION AUTHORIZING TEMPORARY INTERFUND LOAN or TRANSFER PURSUANT to IC 36-1-8-4 OF THE
INDIANA CODE**

Whereas, The Clerk-Treasurer has advised the Town Council that cash balance in the **Corporation Non-Exempt Bond and Interest Fund**, is not sufficient to meet its regular operating expenses prior to the receipt of the semi-annual distribution of ad-valorem revenues so it has become necessary to temporarily borrow money to enhance the fund;

Whereas, The Clerk-Treasurer has advised that there is sufficient money on deposit to the credit of the **MCCD Fund** that can be temporarily transferred;

Now, Therefore Be it Resolved by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That the amount of \$615,000.00 be borrowed for **Corporation Non-Exempt Bond and Interest Fund** with the amount of \$615,000.00 to be loaned by the **Corporation Bond and Interest (Non-Exempt) Fund**;

Section 2. That said loan in the amount of \$615,000.00 be repaid to the **Municipal Cumulative Capital Development Fund** of the Town of Highland upon receipt of sufficient tax or other monies in the **Corporation Non-Exempt Bond and Interest Fund** with such loan to be repaid no later than December 31, 2014, subject to IC 36-1-8-4(b).

Duly Passed and Adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 15th day of June 2015. Having been passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Mark Herak, President IC 36-5-2-10

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

Comments or Remarks from the Town Council:

(For the Good of the Order)

- **Councilor Bernie Zemen:** *Chamber of Commerce Co-Liaison • Liaison to the Board of Waterworks Directors; Liaison to the Park and Recreation Board; Town Board of Metropolitan Police Commissioners, Liaison.*

Councilor Zemen was absent.

- **Councilor Dan Vassar:** *•Redevelopment Commission Liaison.*

Councilor Vassar acknowledged the Redevelopment Director who reported that the Board of Directors of the Town Theater Corporation would be meeting Thursday, June 18.

Councilor Vassar also requested that potholes at he entrance to the Homestead Park be repaired.

- **Councilor Steve Wagner:** *• Advisory Board of Zoning Appeals Liaison; Information Technology Liaison.*

Councilor Wagner acknowledged the IT Consultant, who indicated that he needed a new, additional server for the Town.

- **Councilor Konnie Kuiper:** *• Fire Department, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper acknowledged the Fire Chief who offered a brief report regarding a cooperative training event with the Town of Munster.

Councilor Kuiper acknowledged the Building Commissioner who reported on Plan Commission matters.

- **Council President Mark Herak:** *Municipal Executive • Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Board of Waterworks Directors.*

Council President Herak expressed wishes of good health to retired Police Lt. Paul Gard on news that he had recently endured a heart attack.

Council President Herak again expressed condolences to the family of recently deceased Police Officer 1, Shawn Smith, and reported that an account was established at Standard Bank for the benefit of his family.

The Council President further reported that a joint event with the Community Events Commission and the Main Street Board was tentatively planned for October, with festival to coincide with the rescheduled the second annual Car Cruise.

The Town Council President reminded all that on Memorial Day there would be a commemorative ceremony beginning at 10:00 a.m. at Main Square on May 25, 2015. He encouraged all to attend.

Comments from Visitors or Residents:

1. Ms. Felicity Strom, 9008 O'Day Drive, Highland, noted some traffic control concerns she has on their street. The Town Council President requested that the Commander Georgeff discuss the matter with Ms. Strom following the meeting.

Ms. Strom inquired about the current animal control ordinances, whether there was any special provisions attached to Pit Bulls as a breed. She reported that a neighbor was allowing his dog, which she believed to be a Pit Bull, running loose. She indicated that the dog attacked her dog.

2. Vern Sieb, 3024 Lakeside Drive, Highland, Indiana, raised his concerns about the development styled as Prairie Square, 2121 45th Avenue, Highland, Indiana, which is styled as an "extended Stay Hotel". Mr. Sieb renewed his objections to the development and his belief that the operation was not a hotel but operated more like an apartment complex, which is not permitted. Mr. Sieb asserted that for most units there is no furniture. Mr. Sieb inquired about the disposition of any actions that the Town Council may be taking to deal with the development.

It was suggested that owing to the terms of the current zoning ordinance, the development was permissible.

Payment of Accounts Payable Vouchers. There being no further comments from the public, Councilor Wagner moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period June 2, 2015 through June 15, 2015. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors were allowed, payments allowed in advance were ratified, and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$273,189.71; Motor Vehicle Highway and Street (MVH) Fund, \$32,909.38; Local Road and Street Fund, \$1,843.25; Law Enforcement Training and Supply Fund, \$4,350.03; Flexible Spending Account Agency (FSA) Fund, \$1,551.84; Insurance Premium Fund, \$143,680.40; Gasoline Agency Fund, \$16,375.10; Information and Communications Technology Fund, \$5,233.00;

Special Events Non-reverting Fund, \$418.00; Police Pension Fund, \$135.00; Municipal Cumulative Capital Development Fund, \$160.00; Traffic Violations and Law Enforcement Agency Fund, \$5,032.00; Corporation Capital Fund, \$195,942.78; Total: \$680,820.49

Adjournment. Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Wagner seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, June 15, 2015 was adjourned at 7:37 O'clock p.m. No study session followed the plenary meeting.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer